



Entered on Docket  
October 02, 2009

A handwritten signature in black ink that reads "Bruce A. Markell".

Hon. Bruce A. Markell  
United States Bankruptcy Judge

WILDE & ASSOCIATES

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The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JP Morgan Chase Bank NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust 2005-3, Mortgage Pass-Through Certificates, Series 2005-3

09-75916

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In Re:

Colette D. Smith

Debtor.

BK-S-09-24884-bam

Date: 9/22/09  
Time: 9:30am

Chapter 7

1 **ORDER VACATING AUTOMATIC STAY**

2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the  
3 above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to  
4 Secured Creditor The Bank of New York Mellon, fka The Bank of New York as Successor in interest  
5 to JP Morgan Chase Bank NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear  
6 Stearns ALT-A Trust 2005-3, Mortgage Pass-Through Certificates, Series 2005-3, its assignees and/or  
7 successors in interest, of the subject property, generally described as 8734 Traveling Breeze Ave., Las  
8 Vegas, NV 89124.

9  
10 **IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall**  
11 **give Debtors and Trustee at least five business days' notice of the time, place and date of sale.**

12 DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2009

13 Submitted by:

14 **WILDE & ASSOCIATES**

15 By K. Wilde #10235

16 **GREGORY L. WILDE, ESQ.**  
17 Attorney for Secured Creditor  
18 208 South Jones Boulevard  
Las Vegas, Nevada 89107

19 APPROVED / DISAPPROVED

20 \_\_\_\_\_  
21 Kenneth K. Liu  
22 819 South 6th Street  
Las Vegas, NV 89101  
23 Attorney for Debtor(s)

24 APPROVED / DISAPPROVED

25 \_\_\_\_\_  
26 Yvette Weinstein  
6450 Spring Mtn. Rd. #14  
Las Vegas, NV 89146  
Chapter 7 Trustee

## 1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3  The court waived the requirements of LR 9021.4  No parties appeared or filed written objections, and there is no trustee appointed in the case.5  I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any  
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,  
and each has approved or disapproved the order, or failed to respond, as indicated below  
(list each party and whether the party has approved, disapproved, or failed to respond to the  
document):

## 7 (List Parties)

## 8 Debtor's counsel:

9  approved the form of this order  disapproved the form of this order10  waived the right to review the order and/or  failed to respond to the document11  appeared at the hearing, waived the right to review the order12  matter unopposed, did not appear at the hearing, waived the right to review the order

## 13 Trustee:

14  approved the form of this order  disapproved the form of this order15  waived the right to review the order and/or  failed to respond to the document

## 16 Other Party: \_\_\_\_\_

17  approved the form of this order  disapproved the form of this order18  waived the right to review the order and/or  failed to respond to the document

## 19 Breach Order:

20  This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of

21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which

22 they have not replied

## 24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

26 Gregory L. Wilde, Esq.

Attorney for Secured Creditor